

# HOUSE BILL No. 1086

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2-32.7; IC 3-9-5.

**Synopsis:** Campaign finance. Defines the "nomination date" for candidates nominated other than in a primary election or a convention. Specifies campaign finance report filing requirements by reference to the nomination date of the candidates. Provides that campaign finance reports may be filed by electronic mail under certain conditions. Authorizes, but does not require, an election agency to receive campaign finance reports by fax. Specifies the filing deadline for large contribution reports. Repeals the existing large contribution reporting statute and replaces it with a large contribution statute based on federal law. Provides that a large contribution report may be filed by fax. (The introduced version of this bill was prepared by the census data advisory commission.)

**Effective:** Upon passage; July 1, 1999.

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**Kromkowski**

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January 6, 1999, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1086

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-5-2-32.7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32.7. "Nomination  
3 date" refers to the following:

4 (1) For candidates nominated in a primary election, the date of the  
5 primary election.

6 (2) For candidates nominated in a convention, the date of the  
7 convention **is scheduled to be called to order, according to the**  
8 **call of the convention issued by the political party.**

9 (3) **For candidates selected to fill a ballot vacancy, the date the**  
10 **certificate of selection of the candidate is filed under**  
11 **IC 3-13-1-15 or IC 3-13-2-8.**

12 (4) **For candidates nominated by petition, the final date the**  
13 **petition of nomination is permitted to be filed under**  
14 **IC 3-8-6-10(c).**

15 (5) **For write-in candidates, the final date the candidate's**  
16 **declaration of intent to be a write-in candidate is permitted to**  
17 **be filed under IC 3-8-2-4.**



SECTION 2. IC 3-9-5-7 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE UPON PASSAGE]: Sec. 7. (a) ~~Persons~~ **A person** may  
deliver reports to the appropriate office as follows:

- (1) By hand.
- (2) By mail.
- (3) By electronic mail, if the appropriate office has the capacity  
to:

(A) receive electronic mail; **and**

**(B) print out a hard copy of the report immediately upon  
the receipt of the electronic mail by the office.**

(b) Reports must be filed as follows:

- (1) Hand delivered reports must be ~~received by~~ **filed with** the  
appropriate office during regular office hours not later than noon  
seven (7) days after the date of the report.
- (2) Reports delivered by electronic mail must be received by the  
appropriate office not later than noon seven (7) days after the date  
of the report.
- ~~(3) Reports that are mailed must be postmarked not later than  
noon seven (7) days after the date of the report.~~

**(c) This subsection applies to a report delivered by electronic  
mail. Filing of a report occurs under IC 3-5-2-24.5 when the hard  
copy is printed out and the office records the date and time of the  
printout on the report. If a discrepancy exists between the text of  
the electronic mail and the printed report, the text of the printed  
report prevails until an amendment is filed under this article to  
correct the discrepancy.**

**(d) An office is not required to accept a report or statement  
required under this article by facsimile transmission. Upon  
approval by the commission or a county election board, the election  
division or the county election board may accept the facsimile  
transmission of a report or statement.**

SECTION 3. IC 3-9-5-8 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **This section applies to**  
a candidate for nomination to an office in a state convention who

~~(1) becomes a candidate less than twenty-five (25) days before the  
nomination date for a candidate chosen at a convention. and~~

~~(2) does (b) A candidate is not required to file the required a  
report in accordance with section 7 section 6(a)(1) of this chapter. The  
candidate shall file the candidate's first report no later than noon  
twenty (20) days after the nomination date for a candidate chosen at  
a state convention.~~

~~(b) (c) The reporting period for a the first report required under this~~



1 ~~section for a candidate~~ begins on the date that the individual became  
 2 a candidate and ends on the day following the adjournment of the state  
 3 convention.

4 SECTION 4. IC 3-9-5-8.2 IS ADDED TO THE INDIANA CODE  
 5 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 6 **UPON PASSAGE]: Sec. 8.2. (a) This section applies to a candidate**  
 7 **who is nominated by petition under IC 3-8-6.**

8 **(b) A candidate is not required to prepare or file a report before**  
 9 **the nomination date.**

10 **(c) The period for the first report required for a candidate**  
 11 **begins on the date that the individual became a candidate and ends**  
 12 **fourteen (14) days after the nomination date.**

13 SECTION 5. IC 3-9-5-8.4 IS ADDED TO THE INDIANA CODE  
 14 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 15 **UPON PASSAGE]: Sec. 8.4. (a) This section applies to a candidate**  
 16 **who files a declaration of intent to be a write-in candidate under**  
 17 **IC 3-8-2.**

18 **(b) A candidate is not required to prepare or file a report before**  
 19 **the nomination date.**

20 **(c) The period for the first report required for a candidate**  
 21 **begins on the date that the individual became a candidate and ends**  
 22 **fourteen (14) days after the nomination date.**

23 SECTION 6. IC 3-9-5-8.5 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) This  
 25 section applies to a candidate who is selected to fill a vacancy on the  
 26 ballot under IC 3-13-1 or IC 3-13-2.

27 **(b) A candidate is not required to prepare or file a report before**  
 28 **the nomination date.**

29 **(c) Except as provided in subsection (d), the reporting period for**  
 30 **the candidate's committee first report required for a candidate**  
 31 **begins on the date that the individual became a candidate and ends**  
 32 **twenty-five (25) fourteen (14) days before after the election.**  
 33 **nomination date.**

34 **(d) This subsection applies to a candidate selected under**  
 35 **IC 3-13-2 to fill a vacancy on the ballot. A candidate is not required**  
 36 **to prepare or file a report before or after the nomination date. The**  
 37 **period for the first report required for a candidate begins on the**  
 38 **date that the individual became a candidate and ends December 31**  
 39 **following the election.**

40 SECTION 7. IC 3-9-5-20.1 IS ADDED TO THE INDIANA CODE  
 41 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 42 **1, 1999]: Sec. 20.1. (a) This section applies only to a large**



1 contribution that satisfies all of the following:

2 (1) The contribution is received by a candidate, the  
3 candidate's committee, or the treasurer of the candidate's  
4 committee.

5 (2) The contribution is received:

6 (A) not more than twenty-five (25) days before an election;  
7 and

8 (B) not less than forty-eight (48) hours before an election.

9 (b) As used in this section, "election" refers to any of the  
10 following:

11 (1) A primary election.

12 (2) A general election.

13 (3) A municipal election.

14 (4) A special election.

15 (5) For candidates nominated at a state convention, the state  
16 convention.

17 (c) As used in this section, "large contribution" means a  
18 contribution of at least one thousand dollars (\$1,000).

19 (d) The treasurer of a candidate's committee shall report a large  
20 contribution not later than forty-eight (48) hours after the  
21 contribution is received. A report filed under this section may be  
22 filed by facsimile (fax) transmission.

23 (e) A report required by subsection (d) must contain the  
24 following information for each large contribution:

25 (1) The name of the person making the contribution.

26 (2) The address of the person making the contribution.

27 (3) If the person making the contribution is an individual, the  
28 individual's occupation.

29 (4) The amount of the contribution.

30 (5) The date and time the contribution was received by the  
31 treasurer, the candidate, or the candidate's committee.

32 (f) The commission shall prescribe the form for the report  
33 required by this section.

34 SECTION 8. IC 3-9-5-20 IS REPEALED [EFFECTIVE JULY 1,  
35 1999].

36 SECTION 9. An emergency is declared for this act.

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